

DSMM&N File No. 246066US-2SRD

Serial No. 10/722,607

in the matter of the Application of: Masato AKITA, et al.

for: DIRECT TYPE FUEL CELL POWER GENERATOR

Dept.: E/M

By: EHK/SNS/des

Due Date: N/A

The following has been received in the U.S. Patent Office on the date stamped here:

- Dep. Acct. Order Form
- Letter/Cover
- Petition Under 37 C.F.R. § 1.181
- Information Disclosure Statement (COPY)
- PTO-1449 (COPY)
- Statement of Relevancy (COPY)
- Filing Receipt dated November 28, 2003 (COPY)



COPY

Docket No.: 246066US-2SRD

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/722,607
Applicants: Masato AKITA, et al.
Filing Date: November 28, 2003
For: DIRECT TYPE FUEL CELL POWER GENERATOR
Group Art Unit: 1745
Examiner: MERCADO, JULIAN A.

SIR:

Attached hereto for filing are the following papers:

PETITION UNDER 37 C.F.R. § 1.181
FILING RECEIPT DATED NOVEMBER 28, 2003 (COPY)
INFORMATION DISCLOSURE STATEMENT (COPY)
STATEMENT OF RELEVANCY (COPY)
FORM PTO 1449 (COPY)

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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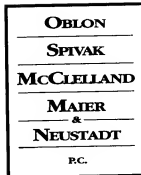
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DOCKET NO: 246066US-2SRD

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MASATO AKITA, ET AL. : EXAMINER: MERCADO, JULIAN A.
SERIAL NO: 10/722,607 :
FILED: NOVEMBER 28, 2003 : GROUP ART UNIT: 1745
FOR: DIRECT TYPE FUEL CELL POWER :
GENERATOR

PETITION UNDER 37 C.F.R. § 1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This petition is in response to the Notice of Allowance mailed October 4, 2007.

Remarks begin on page 2 of this paper.

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REMARKS

This petition under 37 C.F.R. § 1.181 requests the Information Disclosure Statement (IDS) filed on November 28, 2003, be fully acknowledged and considered. With the Office Action of April 5, 2007, applicants received a returned Form PTO-1449 for that filed IDS, but that returned Form PTO-1449 did not acknowledge consideration of two of the references listed therein, particularly references indicated at AO and AP. That Office Action indicated those references were not considered as they were submitted without an accompanying translation, English-language Abstract, or Statement of Relevancy.

In reply applicants note the IDS filed November 28, 2003 did include a Statement of Relevancy for the noted references AO and AP. Attached to the present response is a copy of that previously filed IDS and Statement of Relevancy. In view of that filing applicants respectfully submit each of the references submitted in the IDS of November 28, 2003 should have been considered, and applicants hereby respectfully request a new Form PTO-1449 be provided acknowledging consideration of each reference cited in the IDS.

A similar request was made in the Response filed July 5, 2007 but was not addressed in the next issued Notice of Allowance of October 4, 2007.

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As the application has been allowed an early consideration of the present Petition is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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OSMMECN File No. 246066US2SRD

Dept.: PP/JF

By: MJS/abd

Serial No. New Application

In the matter of the Application of: Masato AKITA, et al.

For: DIRECT TYPE FUEL CELL POWER GENERATOR

Due Date: 11/28/03

The following has been received in the U.S. Patent Office on the date stamped hereon:

- 130 pp. Specification 35 Claims/Drawings 35 Sheets and
2 Pages Application Data Sheet
- Utility Patent Application Transmittal
- Request for Priority
- Credit Card Form for \$1,342.00
- Fee Transmittal Form
- Information Disclosure Statement
- Cited References (2)
- Statement of Relevancy
- White Advance Serial Number Card
- Priority Doc (2)
- Dep. Acct. Order Form
- PTO-1449

COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Masato AKITA, et al.

SERIAL NO: New Application

GAU:

FILED: Herewith

EXAMINER:

FOR: DIRECT TYPE FUEL CELL POWER GENERATOR

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- ☒ The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☐ Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- ☐ Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, MCCLELLAND,
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COPY

DOCKET NO.: 246066US2SRD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Masato AKITA, et al.

SERIAL NO: New Application

FILED: HEREWITH

FOR: DIRECT TYPE FUEL CELL POWER GENERATOR

STATEMENT OF RELEVANCY

Reference AA (5,863,671) on Form PTO-1449:

This discloses plastic mono and bipolar collector plates for fuel cell. But a single serpentine channel in the plates are not designed coming and going between plural electrode membranes without branching.

Reference AO (6-60905) on Form PTO-1449:

This discloses plastic monopolar collector plate for fuel cell. But channels in the plate are not designed.

Reference AP 8-237696)on Form PTO-1449:

This discloses a bipolar collector plate which is shared by plural electrode membranes. But a single serpentine channel in the plate is not designed coming and going between plural electrode membranes without branching. (36~39 in Fig. 10)

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| Form PTO 1449 (Modified) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | ATTY DOCKET NO. 246066US2SRD | | SERIAL NO. New Application | |
|---|----|--|----------|-----------------------------------|----------------------------|--|-------------------------------|
| LIST OF REFERENCES CITED BY APPLICANT | | | | APPLICANT Masato AKITA, et al. | | | |
| | | | | FILING DATE Herewith | | GROUP | |
| | | | | | | | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPROPRIATE |
| | AA | 6-008,674 | 04/06/90 | Reginald C. SPEAR, Jr., et al. | | | |
| | AB | | | | | | |
| | AC | | | | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | | |
| | | DOCUMENT NUMBER | DATE | COUNTRY | TRANSLATION YES NO | | |
| /J.M./ | AO | 6-60905 | 03/04/94 | Japan | | | X |
| /J.M./ | AP | 8-273696 | 10/18/96 | Japan | | | X |
| | AQ | | | | | | |
| | AR | | | | | | |
| | AS | | | | | | |
| | AT | | | | | | |
| | AU | | | | | | |
| | AV | | | | | | |
| OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.) | | | | | | | |
| | AW | | | | | | |
| | AX | | | | | | |
| | AY | | | | | | |
| | AZ | | | | | <input type="checkbox"/> Additional References sheet(s) attached | |
| Examiner /Julian Mercado/ | | | | | Date Considered 02/14/2008 | | |

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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